

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALNYLAM PHARMACEUTICALS,
INC.,

Plaintiff,

v.

PFIZER INC., UPJOHN CO. LLC,
BIONTECH SE AND BIONTECH
MANUFACTURING GMBH,

Defendants.

Civil Action No. 22-cv-00336-CFC

ALNYLAM PHARMACEUTICALS,
INC.,

Plaintiff,

v.

PFIZER INC., UPJOHN CO. LLC,
BIONTECH SE AND BIONTECH
MANUFACTURING GMBH,

Defendants.

Civil Action No. 22-cv-00924-CFC

**PROPOSED STIPULATION AND ORDER
REGARDING CASE CONSOLIDATION**

The parties, Alnylam Pharmaceuticals, Inc. (“Alnylam”) and Pfizer Inc. and Upjohn Co. LLC (collectively, “Pfizer”), and BioNTech SE and BioNTech

Manufacturing GmbH (collectively, “BioNTech”), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS Alnylam filed Civil Action No. 22-cv-00336-CFC (the “-336 Action”) on March 17, 2022 against Pfizer;

WHEREAS Pfizer answered, BioNTech voluntarily appeared, and Pfizer and BioNTech counterclaimed on May 27, 2022 (D.I. 13);

WHEREAS Alnylam answered the counterclaims and pled additional counterclaims against BioNTech on June 10, 2022 (D.I. 17);

WHEREAS BioNTech answered the counterclaims against it on July 1, 2022 (D.I. 19);

WHEREAS Alnylam filed Civil Action No. 22-cv-00924-CFC (the “-924 Action”) on July 12, 2022 against Pfizer and BioNTech;

WHEREAS BioNTech has agreed to waive service, is voluntarily appearing by way of this stipulation request, and will answer or otherwise respond to the Complaint in the -924 Action by September 12, 2022;

WHEREAS Alnylam served Pfizer and Alnylam has agreed to an extension of Pfizer’s time to answer or otherwise respond to the Complaint in the -924 Action by September 12, 2022;

WHEREAS, the -336 and -924 Actions involve common issues and consolidation will enable more efficient case management by the Court and avoid

unnecessary costs and delays by avoiding duplicative discovery and motion practice in each case;

WHEREAS, the parties agree that the -336 and -924 Actions should be consolidated for all purposes, including *Markman* proceedings and trial;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1. Pursuant to Federal Rule of Civil Procedure 42(a), the -336 Action and the -924 Action are consolidated for all purposes;
2. The -336 Action shall be the lead case, and all future filings shall be made only in the -336 Action;
3. Pfizer and BioNTech shall answer or otherwise respond to the Complaint in the -924 Action by September 12, 2022; and
4. All future filings shall include the following caption:

ALNYLAM PHARMACEUTICALS,
INC.,

Plaintiff,

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PFIZER INC., UPJOHN CO. LLC,
BIONTECH SE, AND BIONTECH
MANUFACTURING GMBH,

Defendants.

Civil Action No. 22-cv-00336-CFC
(CONSOLIDATED)

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Dated July 28, 2022

*Attorneys for BioNTech SE and
BioNTech Manufacturing GmbH*

SO ORDERED this 9th day of August, 2022.



CHIEF, UNITED STATES DISTRICT JUDGE